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To: Microsoft ATR
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Public Feedback as allowed and required under the Tunney Act.

The Proposed Final Judgement has many flaws, given it's stated goal of preventing Microsoft from further abusing their monopoly power and punishing them for their violations of the law that they have already been convicted of, that were upheld by the appeals court. Many of these problems have been noted by legal scholars, lawyers, judges, and laypeople, including such people as judge Robert Bork.

But perhaps the single largest problem with the proposed judgement is that it entirely lacks any method of enforcement or punishment for violation of the agreement. There is no mention of any sort of fine, penalty, or other recourse if the agreement is violated, other than extending the agreement for an additional two years, with the same lack of enforcement.

Lest it be forgotten, much of the current anti-trust case against Microsoft came about because Microsoft ignored previous settlements and agreements and continued the illegal and unethical extension of their monopoly, into other areas and by squashing or buying up any potential competitors, and keeping the barriers to entry as high as possible.

Given Microsoft's long history of abuses, intentionally "breaking" their software so other vendors' software no longer worked properly, using their desktop monopoly to gain footholds into other markets, such as the web browser market, changing file formats or portions of code to deliberately make other vendors' applications incompatible with Microsoft's, their restrictive licensing agreements with OEMs, their license agreements with companies that charge by computers that could run Windows, not that actually do, their blatant disregard for the law and earlier settlements, and their misleading and outright false testimony in the original trial, any agreement that is in the public interest must have clearly defined penalties and strict enforcement guidelines, along

with rules that actually address the past history of Microsoft and will prevent future abuses. In all these ways, the current Proposed Final Judgement fails.

For more in-depth and complete coverage of the flaws of the Proposed Final Judgement, the webpage <http://www.kegel.com/remedy/remedy2.html> is a very good source.

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